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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,024	08/27/2003	Ryan W. Cuddy	0112300-1537	6444

29159 7590 12/13/2006

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EXAMINER	
DEODHAR, OMKAR A	

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/650,024	CUDDY ET AL.	
	Examiner	Art Unit	
	Omkar A. Deodhar	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 October 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-67* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-67* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 August 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10/17/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Non-Final Rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims **1, 3-19, 22-34, 37-53,** and **55-67** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrie (US 5,833,537) in view of DeMar (US 6,315,660). Regarding at least claims **1-2,** and **4-10** Barrie teaches a gaming device including

a plurality of sections (142, 144);

outcomes associated with said sections (124);

a plurality of reels(116);

a plurality of symbols including a plurality of different section indicator symbols associated with a section, located on the reels (Figure 1);

modifiers/multipliers associated with the section symbols (146 & Col 4:23-35);

a triggering event associated with at least on symbol appearing on the reel (Col 3:46-51);

a processor (214) operable to activate the reels upon the occurrence of the triggering event (Understood as the continued play after the appearance of a red ball in a electronic gaming machine), obtain sections responsive to the appearance of associated section indicator symbols on the reels (Figure 1 & Col 6:24-50), increments a multiplier when designated combination of section indicator symbols occurs on the game reels (Col 4:23-35), and provide the section outcome when all sections have been obtained (Col6:24-50 & Col 8:1-4).

Barrie teaches the inclusion of a multiplier for the multiplication of prize amounts awarded on a primary set of reels and the use of a section game outcome for determining an additional game outcome as taught above, and in (146 & Col 4:23-25). Barrie however is silent regarding the application of a multiplier on a section outcome

combined with the inclusion of free spins. It would have been obvious to one of ordinary skill in the art at the time of invention to have combined the use of a multiplier with the use of a game section outcome in order to offer a modified section outcome dependent on the multipliers acquired in the spin completing the section outcome thereby creating a non-static section outcome prize.

In a related gaming machine, DeMar discloses a device with a plurality of features for basic and/or bonus modes of game play including a feature in which a bonus game provides an award selected from a plurality of fixed values and multipliers, (Abstract & Col 3:26-31). Additionally, DeMar discloses the following:

That the bonus game is triggered when a special outcome occurs in the basic game, (Col 21:54-55);

That free spins are provided to the player in an additional bonus game, (Col 25:47-19);

A Chance bonus game in which the selection elements comprise multiplier values, (Col 33:24-42);

A bonus game that continues with consecutive rolls of the dice, with the player collecting various amounts that are determined by the rolls of dice, (Col 12:20-29);

A bonus game that gives the player the opportunity to make side bets, apart from the other wagers in the basic game, (Col 13:55-60), and

That once the bonus game is complete, the bonus screen will fade and the video reels screen will then be displayed so that the player may resume play of the basic game, (Col 16:20-23).

The use of a multiplier in a bonus round, as in the device disclosed by DeMar, is tantamount to the use of a multiplier on a section outcome combined with free spins, as in the applicant's disclosure. Free spins are well known as a form of a bonus round, beyond the basic mode of game play and are intended to enhance player enjoyment and excitement, as admitted to by the applicant, (Specification, Pages 2 & 3). Therefore, it would have been obvious to one or ordinary skill in the art at the time of the invention to have incorporated the bonus round features of DeMar into the game of Barrie in order to provide an additional payout means that serves to increase device use. Hence, the combination of DeMar/Barrie discloses the claimed limitation.

As related example, not relied upon for the respective 35 U.S.C 103 rejections, Yoseloff teaches the inclusion of free spins as an alterative form of game payout (Col 10:18-33).

Regarding claims **3-9**, **22-24**, **37-40,** and **55-57** Barrie teaches the formation of a multiplier (modifier) amount based on the arrangement of selection symbols appearing on the reels (Col 4:25-35).

Regarding at least claims **10-11**, **25-26, 41-44,** and **58-59** as the multiplier is determined from the randomly determined symbol combinations appearing on the reels it may be understood as being randomly determined as well as predetermined as such combinations are resultant of specific symbol combinations (Col 4:25-35).

Regarding at least claims **12-16**, **19, 27-31, 45-49**, and **60-63** the combination of Barrie/DeMar as presented above teaches the use of a bonus round (interpreted as the same as free spins, as shown above) as an award type hence the awarding of

predetermined prizes according to symbol combinations appearing randomly on the reels would be encompassed in accordance with Barrie's disclosed manner of determining the occurrence of a payout event (Col 3:17-21).

Regarding at least claims **17-18, 32-33, 50-51,** and **64-65** Barrie teaches the use of a plurality of pay lines for the determination of qualifying combinations (122 & Col 3:17-23).

Regarding at least claims **34, 52,** and **53** Barrie teaches the elimination of section indicator symbols from the reels based on the occurrence of a designated set of section symbols (Col 48-22) and alternatively subsequent spins of the reels yielding the removal of persistent symbols or symbol combinations would also meet the limitation as presented (Col 6: 34-47).

Regarding at least claims **66-67** Barrie teaches the use of a network including the Internet and a central server for remotely controlling game play (Col 4:42-60).

Claims **2-3, 20-21, 35-36,** and **54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrie (US 5,833,537) in view of DeMar et al (US 6,315,660) in yet further view of Thomas (US 5,449,173).

Barrie teaches the use of random placement symbols (Col 8:24-27) however is silent regarding the use of wild symbols and wild symbol combinations for the purposes of completing the plurality of sections. In a related patent however, Thomas teaches the use of a "wild symbol" (Figures 1-3). It would have been obvious to one of ordinary skill in the art at the time of invention to have incorporates the use of a wild symbol for the purpose of forwarding a game play.

Response to Amendment

Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

The examiner has made every effort to consider the applicant's remarks, even in view of the new prior art being used, however since the applicant's remarks rely so heavily on the combination of *Barrie* and the originally applied prior art from *Yoseloff*, the examiner is only able to comment on the following:

With respect to the applicant's arguments regarding amended claim 34, that *Barrie* fails to disclose eliminating section indicator symbols from the reels, the examiner's position is as follows:

Barrie teaches the elimination of section indicator symbols from the reels based on the occurrence of a designated set of section symbols (Col. 4. 8-22).

Regarding the remarks from page 19 and 20 of the applicant's argument, particularly that gaming symbols are not removed from the reels, it is emphasized that persistent symbol are still eliminated upon the appearance of designated gaming symbols on the reels. Any elimination of indicator symbols from the reels is sufficient as teaching this part of claim 34's limitation.

Regarding the applicant's remarks that the use of a "wild symbol," as taught by *Thomas* does not achieve the gaming device disclosed by the applicant, the examiner's position, in view of the new combination of *Barrie* and *DeMar*, is that the claimed limitations are now disclosed.

Therefore, it is the examiner's position that the combination of references teaches all the claimed limitations as cited by the applicants and discussed above.

Conclusion

THIS ACTION IS NON-FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omkar A. Deodhar whose telephone number is 571-272-1647. The examiner can normally be reached on M-F.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SUPERVISORY PATENT EXAMINER
TC3700